

Application No. 09/883,740
Amendment date January 26, 2007
Response to Office Action of November 27, 2006

REMARKS/ARGUMENTS

Claim Rejections -35 USC § 112

Claim 1 was rejected because the limitation "the sleep clock frequency" in line 6 lacks sufficient antecedent basis. Claim 1 is amended to recite "a sleep clock frequency". Claim 1 is actually cancelled, but the objected-to claims which now contain Claim 1 have this amendment.

Claim Rejections -35 USC § 102

Claims 1, 46 were rejected under 35 U.S.C. 102(a) as being anticipated by Shohara et al. (US Patent 6,473,607).

Claim 1 is cancelled and written into Claim 2. Claim 46 is amended to depend on rewritten Claim 2. The reasons for rejection for Claim 1 no longer apply. Claim 46 as amended is believed allowable for the at least same reasons Claim 2 is believed allowable over Shohara and Storm, as explained below.

Claim Rejections -35 USC § 103

Claims 2,4, 5, 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shohara et al. (US Patent 6,473,607) as applied to claim 1, in view of Storm et al. (US Patent 6,016,312).

Application No. 09/883,740
Amendment date January 26, 2007
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Claim 16 is cancelled and the reason for rejection no longer applies.

Claim 2 is rewritten in independent form to include its base claim, Claim 1. Applicants traverse the rejection. There is no suggestion in the references themselves to combine the two references. In fact, Shohara teaches away from combining because “measuring reacquisition error” and “calculating the ratio in response to the reacquisition error” as recited in Claim 2 (currently amended), are rejected by Shohara. For example, the Shohara Abstract states “improvement in timer accuracy during sleep mode eliminates the need for an initial reacquisition period”, Col 4 L 4 – 6, states “maintain synchronism of system with received messages so that in active mode reacquisition … is not incurred”, and Col 8 L 28 – 33 states “Accurate system time is maintained continuously during sleep mode … thereby avoiding power waste to compensate for system time uncertainties”. Therefore, since there is no reacquisition period, there is reason to try to measure any errors related to it. Further, synchronism with the system clock is maintained “accurately” during sleep mode, so again there is no need for reacquisition error calculation. Therefore, when a person of any skill level reads Shohara, he would not be motivated to look to any other reference related to measuring reacquisition errors, because there is none and no such a reacquisition stage in Shohara.

Yet further, as already found persuasive by the Examiner from the last Amendment, dated September 20, 2006, Storm does not have any statement about needing to make adjustments, such as for frequency drift; in fact Storm is satisfied that his algorithm already provides good results “the clock edge synchronizer 202 removes the CDMA radiotelephone from the low power sleep mode substantially synchronized with system timing” (Col 5 L65-67). Since Storm’s method is already in a substantially synchronized state, there is no reason to add further steps. Therefore, Storm has a method completely independent of Shohara, which is in fact even missing the “frequency adjust” step of Claim 2 (currently amended). Storm teaches away from the combination;

Application No. 09/883,740
Amendment date January 26, 2007
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there is no incentive to combine the methods of Shohara and Storm to produce Claim 2, as amended.

Therefore, Claim 2(currently amended) is believed allowable over Shohara and Storm, either individually or in combination. Claim 46, being dependent on Claim 2, should also be allowable over Shohara and/or Storm for the at least foregoing reasons.

Claim 4 is rewritten in independent form to include its base claim, Claim 1. Applicants traverse the rejection. There is no suggestion in the references themselves to combine the two references. In fact, the combination of Shohara and Storm provides a non-working combination if the element of Claim 4 "prior to disabling the reference clock, determining the number of sleep clock periods in the sleep interval; and wherein disabling the reference clock during the sleep interval includes disabling the reference clock for the determined number of sleep clock periods" were added to Shohara. In Shohara, Col 5 L 64 – 66 states "the dual mode timer continually maintains system time while operating in one of two modes, an active mode or a sleep mode." Further as noted above, synchronism is continuously maintained. Therefore, it would not work to determine Claim 4's "the number of sleep clock periods" and "disabling the reference clock" prior to entry into sleep mode in Shohara because Shohara relies on the same, system timing throughout both modes; he can't disable it.

Further as noted above, Storm's method is already in a substantially synchronized state, there is no incentive to combine it with Shohara, and there is no suggestion in Storm.

Therefore, Claim 4 (currently amended) is believed allowable over Shohara and Storm, either individually or in combination. Claim 5, being dependent on Claim 4, should also be allowable over Shohara and/or Storm for the at least foregoing reasons

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Allowable Subject Matter

Claims 47-49 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 47 and 49 are thus amended. Claim 48 is amended to depend on Claim 47. Applicants thank the Examiner.

Applicants thank the Examiner for allowing Claims 6-15, 17-26, 27-45.

Respectful request is made for a continued examination, entering the amendments as presented above, and issuing a Notice of Allowance.

Respectfully submitted,


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